

APPENDIX C

Actual Protected and Interfering Contours in Puerto Rico and the U.S. Virgin Islands

Stations in Puerto Rico and the U.S. Virgin Islands are permitted to increase antenna height above average terrain (HAAT) well above the maximum values permitted elsewhere in the United States. In effect, stations fully spaced under Section 73.107 in these areas receive protection from interference using different contours than Section 73.207 was designed for. These contours are shown in the table below. An example of how to use the table has also been provided.

Actual protected and interfering contours under 47 C.F.R. Section 73.207 in Puerto Rico and the Virgin Islands

STATION WITH PROTECTED CONTOUR

STATION WITH INTERFERING CONTOUR	Class A		Class B1		Class B		
	Interfering	Protected	Interfering	Protected	Interfering	Protected	
Co-Channel	Class A	46	66	41	61	40	60
	Class B1	43	63	39	59	38	58
	Class B	45	65	41	61	41	61
1st Adj. Channel	Class A	61	67	56	62	59	65
	Class B1	57	63	54	60	54	60
	Class B	62	68	56	62	57	63
2nd-3rd Adj. Ch.	Class A	107	67	100	60	104	64
	Class B1	99	59	100	60	104	64
	Class B	94	54	94	54	104	64

Maximum permitted facilities assumed for each station pursuant to 47 C.F.R. Section 73.211(b)(3):

6 kW ERP/240 meters HAAT - Class A
 25 kW ERP/150 meters HAAT - Class B1
 50 kW ERP/472 meters HAAT - Class B

Example using the contour protection table. Assume Station X is a Class A station, and that Station Y is a Class B station, and that these two stations are on first-adjacent channels. Station X proposes contour protection to Station Y. Station X would apply the table above as follows.

(i) *Station X's F(50,50) protected contour vs. Station Y's F(50,10) interfering contour.* Under the "Station with Protected Contour" heading, Station X would go to the column marked "Class A". Proceed downward on the left side to "1st Adj. Channel" (under the heading "Station with Interfering Contour"). Since Station Y is a Class B station, the bottom row of this box is read. As a result, Station X's 68 dBu F(50,50) protected contour must not overlap the 62 dBu F(50,10) interfering contour of Station Y.

(ii) *Station X's F(50,10) interfering contour vs. Station Y's F(50,50) protected contour.* Since Station Y is now the protected station, go to "Class B" under the "Station with Protected Contour" heading. Proceeding downward on the left side, stop again at the row marked "1st Adj. Channel". Because Station X is Class A, the top row in that box is read. As a result, Station X's 59 dBu F(50,10) interfering contour must not overlap the 65 dBu F(50,50) protected contour of Station Y.

If no contour overlap would be created under both (i) and (ii), then the application would provide the same protection as two stations located at the minimum required separation under 47 CFR § 73.207, with both stations operating at the reference facilities allowed for the station class pursuant to 47 CFR § 73.211(b)(3).

APPENDIX D
Minor Rule Changes Adopted by the Commission

7 CFR Part 73 is revised as follows:

Part 73 - Radio Broadcast Services

The authority citation for Part 73 continues to read as follows:

Authority: 47 U.S.C. § § 154, 303

2. A reference to a new informational rule section, **Section 73.3617, Broadcast Information Available on the Internet**, is added to the listing of rule sections by section number, at the beginning of Part 73.

3. A reference to a new informational rule section, **Section 73.3617, Broadcast Information Available on the Internet**, to the Alphabetical Index at the end of Part 73, in alphabetical order as follows:

* * * * *

Information available on the Internet.....73.3617

* * * * *

4. References to **Section 73.1692, Broadcast Station Construction Near or Installation On an AM Broadcast Tower** are added to the Alphabetical Index at the end of Part 73, in alphabetical order as follows:

* * * * *

Construction Near or Installation On an AM Tower73.1692

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Installation On or Construction Near an AM Tower.....73.1692

* * * * *

5. Section 73.45, paragraph (c) is amended to read as follows:

§ 73.45 AM antenna systems.

* * * * *

(c) Should any changes be made or otherwise occur which would possibly alter the resistance of the antenna system, the licensee must commence the determination of the operating power by a method described in § 73.51(a)(1) or (d). (If the changes are due to the construction of FM or TV transmitting facilities, see §§ 73.316, 73.685, and 73.1692.) Upon completion of any necessary repairs or adjustments, or upon completion of authorized construction or modifications, the licensee must make a new determination of the antenna resistance using the procedures described in § 73.54. Operating power should then be determined by a direct method as described in § 73.51. Notification of the value of resistance of the antenna system must be filed with the FCC in Washington, DC as follows:

(1) * * *

(2) Whenever AM stations use direct reading power meters pursuant to § 73.51, a letter notification to the FCC in Washington, DC, Attention: Audio Services Division, Mass Media Bureau, must be filed in accordance with § 73.54(e).

6. Section 73.54 paragraph (d) is amended to read as follows:

§ 73.54 Antenna resistance and reactance measurements.

* * *

(d) A letter of notification must be filed with the FCC in Washington, DC, Attention: Audio Services Division, Mass Media Bureau, when determining power by the direct method pursuant to § 73.51 and must specify the antenna or common point resistance at the operating frequency. The following information must also be kept on file at the station:

* * *

7. Section 73.58 paragraph (f) is amended to read as follows:

§ 73.58 Indicating instruments.

* * *

(f) If conditions beyond the control of the licensee prevent the restoration of the meter to service within the above allowed period, information requested in accordance with § 73.3549 may be filed by letter with the FCC in Washington, DC, Attention: Audio Services Division, Mass Media Bureau, to request additional time as may be required to complete repairs of the defective instrument.

8. Section 73.68 paragraphs (b) and (d)(1) are amended as follows:

§ 73.68 Sampling systems for antenna monitors.

* * *

(b) A station having an antenna sampling system constructed according to the specifications given in paragraph (a) of this section may obtain approval of that system by submitting an informal letter request to the FCC in Washington, DC, Attention: Audio Services Division, Mass Media Bureau. The request for approval, signed by the licensee or authorized representative, must contain sufficient information to show that the sampling system is in compliance with all requirements of paragraph (a) of this section.

NOTE: A public notice dated December 9, 1985 giving additional information on approval of antenna sampling systems is available through the Internet at <http://www.fcc.gov/mmb/asd/decdoc/letter/1985--12--09--sample.html>.

* * * * *

(d) * * *

(1) Special Temporary Authority (*see* § 73.1635) shall be requested and obtained from the Commission's Audio Services Division, Mass Media Bureau in Washington to operate with parameters at variance with licensed values pending issuance of a modified license specifying parameters subsequent to modification or replacement of components.

* * * * *

9. Section 73.69 paragraphs (c) and (d)(5) are amended to read as follows:

§ 73.69 Antenna monitors.

* * * * *

(c) If conditions beyond the control of the licensee prevent the restoration of the monitor to service within the allowed period, an informal letter request in accordance with § 73.3549 of the Commission's rules must be filed with the FCC, Attention: Audio Services Division, Mass Media Bureau in Washington, DC for such additional time as may be required to complete repairs of the defective instrument.

(d) * * *

(5) An informal letter request for modification of license shall be submitted to the FCC, Attention: Audio Services Division, Mass Media Bureau in Washington, DC within 30 days of the date of monitor replacement. Such request shall specify the make, type, and serial number of the replacement monitor, phase and sample current indications, and other data obtained pursuant to paragraph (d) of this section.

* * * * *

10. Section 73.151 paragraphs (a) and (a)(1) are amended to read as follows:

§ 73.151 Field strength measurements to establish performance of directional antennas.

(a) In addition to the information required by the license application form, the following showing must be submitted to establish, for each mode of directional operation, that the effective measured field strength (RMS) at 1 kilometer (km) is not less than 85 percent of the effective measured field strength (RMS) specified for the standard radiation pattern, or less than that specified in § 73.189(b) for the class of station involved, whichever is the higher value, and that the measured field strength at 1 km in any direction does not exceed the field shown in that direction on the standard radiation pattern for that mode of directional operation:

(1) A tabulation of inverse field strengths in the horizontal plane at 1 km, as determined from field strength measurements taken and analyzed in accordance with § 73.186, and a statement of the effective measured field strength (RMS). Measurements shall be made in at least the following directions:

(i) * * *

* * * *

11. Section 73.213, paragraph (a) is amended to read as follows:

§ 73.213 Grandfathered short-spaced stations.

(a) Stations at locations authorized prior to November 16, 1964, that did not meet the separation distances required by § 73.207 and have remained continuously short-spaced since that time may be modified or relocated with respect to such short-spaced stations, provided that (i) any area predicted to receive interference lies completely within any area currently predicted to receive co-channel or first-adjacent channel interference as calculated in accordance with paragraph (a)(1) of this section, or that (ii) a showing is provided pursuant to paragraph (a)(2) of this section that demonstrates that the public interest would be served by the proposed changes.

* * * *

12. Section 73.258 paragraph (d) is amended to read as follows:

§ 73.258 Indicating instruments.

* * * *

(d) If conditions beyond the control of the licensee prevent the restoration of the meter to service within the above allowed period, an informal letter request in accordance with § 73.3549 may be filed with the FCC, Attention: Audio Services Division, Mass Media Bureau, in Washington, DC for such additional time as may be required to complete repairs of the defective instrument.

13. Section 73.312 paragraph (b) is amended to read as follows:

73.312 Topographic data.

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(b) The Commission will not ordinarily require the submission of topographical maps for areas beyond 24 km (15 miles) from the antenna site, but the maps must include the principal city or cities to be served. If it appears necessary, additional data may be requested.

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14. Section 73.313 paragraphs (c)(2) and (d)(2) are amended to read as follows:

§ 73.313 Prediction of coverage

* * * *

(c) * * *

(2) To use the chart for other ERP values, convert the ordinate scale by the appropriate adjustment in dB. For example, the ordinate scale for an ERP of 50 kW should be adjusted by 17 dB [$10 \log (50 \text{ kW}) = 17 \text{ dBk}$], and therefore a field strength of 60 dBu would correspond to the field strength value at $(60 - 17 =) 44 \text{ dBu}$ on the chart. When predicting the distance to field strength contours, use the maximum ERP of the main radiated lobe in the pertinent azimuthal direction (do not account for beam tilt). When predicting field strengths over areas not in the plane of the maximum main lobe, use the ERP in the direction of such areas, determined by considering the appropriate vertical radiation pattern.

(d) * * *

(2) Where the 3 to 16 kilometers portion of a radial extends in whole or in part over a large body of water or extends over foreign territory but the 50 uV/m (34 dBu) contour encompasses land area within the United States beyond the 16 kilometers portion of the radial, the entire 3 to 16 kilometers portion of the radial must be included in the computation of antenna height above average terrain. However, where the 50 uV/m (34 dBu) contour does not so encompass United States land area, and (i) the entire 3 to 16 kilometers portion of the radial extends over large bodies of water or over foreign territory, such radial must be completely omitted from the computation of antenna height above average terrain, and (ii) where a part of the 3 to 16 kilometers portion of a radial extends over large bodies of water or foreign territory, only that part of the radial extending from 3 kilometers to the outermost portion of land in the United States covered by the radial used must be used in the computation of antenna height above average terrain.

* * * *

15. The note at the end of Section 73.503 is amended to include an additional source of information, as follows:

73.503 Licensing requirements and service.

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(d) * * * *

Note: Commission interpretation on this rule, including the acceptable form of acknowledgements, may be found in the Second Report and Order in Docket No. 21136 (Commission Policy Concerning the Noncommercial Nature of Educational Broadcast Stations), 86 FCC 2d 141 (1981); the Memorandum Opinion and Order in Docket No. 21136, 90 FCC 2d 895 (1982), and the Memorandum Opinion and Order in Docket 21136, 97 FCC 2d 255 (1984). See also, "Commission Policy Concerning the Noncommercial Nature of Educational Broadcast Stations," Public Notice, 7 C Rcd 827 (1992), which can be retrieved through the Internet at <http://www.fcc.gov/mmb/asd/nature.html>.

* * * *

Section 73.561 paragraphs (c) and (d) are amended to read as follows:

73.561 Operating schedule; time sharing.

* * * *

(c) A departure from the regular schedule set forth in a time-sharing agreement will be permitted only in cases where a written agreement to that effect is reduced to writing, is signed by the licensees of the stations affected thereby, and is filed in triplicate by each licensee with the Commission, Attention: Audio Services Division, Mass Media Bureau, prior to the time of the proposed change. If time is of the essence, the actual departure in operating schedule may precede the actual filing of the written agreement, provided that appropriate notice is sent to the Commission in Washington, DC, Attention: Audio Services Division, Mass Media Bureau.

(d) In the event that causes beyond the control of a permittee or licensee make it impossible to adhere to the operating schedule in paragraphs (a) or (b) of this section or to continue operating, the station may limit or discontinue operation for a period not exceeding 30 days without further authority from the Commission, *Provided*, That notification is sent to the Commission in Washington, DC, Attention: Audio Services Division, Mass Media Bureau, no later than the 10th day of limited or discontinued operation. During such period, the permittee shall continue to adhere to the requirements of the station license pertaining to the lighting of antenna structures. In the event normal operation is restored prior to the expiration of the 30 day period, the permittee or licensee will notify the FCC, Attention: Audio Services Division of the date that normal operations resumed. If causes beyond the control of the permittee or licensee make it impossible to comply within the allowed period, Special Temporary Authority (see § 73.1635) must be requested to remain silent for such additional time as deemed necessary. The license of a broadcasting station that fails to transmit broadcast signals for any consecutive 12 month period expires as a matter of law at the end of that period, notwithstanding any provision, term, or condition of license to the contrary.

7. Section 73.1350 paragraph (g) is amended to read as follows:

§ 73.1350 Transmission system operation.

* * * *

(g) Whenever a transmission system control point is established at a location other than the main studio or transmitter, a letter of notification of that location must be sent to the FCC in Washington, DC, Attention: Audio Services Division (radio) or Video Services Division (television), Mass Media Bureau, within 3 days of the initial use of that point. The letter should include a list of all control points in use, for clarity. This notification is not required if responsible station personnel can be contacted at the transmitter or studio site during hours of operation.

* * * *

18. Section 73.1560 paragraph (d) is amended to read as follows:

§ 73.1560 Operating power and mode tolerances.

* * * *

(d) *Reduced power operation.* In the event it becomes technically impossible to operate at authorized power, a broadcast station may operate at reduced power for a period of not more than 30 days without specific authority from the FCC. If operation at reduced power will exceed 10 consecutive days, notification must be made to the FCC in Washington, DC, Attention: Audio Services Division (radio) or Video Services Division (television), Mass Media Bureau, not later than the 10th day of the lower power operation. In the event that normal power is restored within the 30 day period, the licensee must notify the FCC of the date that normal operation was restored. If causes beyond the control of the licensee prevent restoration of the authorized power within 30 days, a request for Special Temporary Authority (*see* §73.1635) must be made to the FCC in Washington, DC for additional time as may be necessary.

19. Section 73.1680 paragraph (b) is amended to read as follows:

§ 73.1680 Emergency antennas.

* * * *

(b) Prior authority from the FCC is not required by licensees and permittees to erect and commence operations using an emergency antenna to restore program service to the public. However, an informal letter request to continue operation with the emergency antenna must be made within 24 hours to the FCC in Washington, DC, Attention: Audio Services Division (radio) or Video Services Division (television), Mass Media Bureau, within 24 hours after commencement of its use. The request is to include a description of the damage to the authorized antenna, a description of the emergency antenna, and the station operating power with the emergency antenna.

(1) * * *

* * * *

20. Section 73.1750 is amended to read as follows:

§ 73.1750 Discontinuance of operation.

The licensee of each station shall notify by letter the FCC in Washington, DC. Attention: Audio Services Division (radio) or Video Services Division (television), Mass Media Bureau, of the permanent discontinuance of operation at least two days before operation is discontinued. Immediately after discontinuance of operation, the licensee shall forward the station license and other instruments of authorization to the FCC, Attention: Audio Services Division (radio) or Video Services Division (television), Mass Media Bureau, for cancellation. The license of any station that fails to transmit broadcast signals for any consecutive 12 month period expires as a matter of law at the end of that period, notwithstanding any provision, term, or condition of the license to the contrary. If a licensee surrenders its license pursuant to an interference reduction agreement, and its surrender is contingent on the grant of another application, the licensee must identify in its notification to the FCC the contingencies involved.

21. Section 73.3542 paragraph (b) is amended to read as follows:

§ 73.3542 Application for emergency authorization.

* * * * *

(b) Emergency operating authority issued under this section may be cancelled or modified by the FCC without prior notice or right to hearing. See also § 73.1250, Broadcasting Emergency Information, for situations in which emergency operation may be conducted without prior authorization, and § 73.1635, Special Temporary Authorization (STA), for temporary operating authorizations necessitated by circumstances not within the ambit of this section.

22. Section 73.3544 paragraph (b) is amended to read as follows:

§ 73.3544 Application to obtain a modified station license.

* * * * *

(b) An informal application, see §73.3511(b), may be filed with the FCC in Washington, DC, Attention: Audio Services Division (radio) or Video Services Division (television), Mass Media

Bureau, to cover the following changes:

(1) * * *

* * * * *

23. Section 73.3549 is amended to read as follows:

§ 73.3549 Requests for extension of time to operate without required monitors, indicating instruments, and EAS encoders and decoders.

Requests for extension of authority to operate without required monitors, transmission system indicating instruments, or encoders and decoders for monitoring and generating the EAS codes and Attention Signal should be made to the FCC in Washington, DC, Attention: Audio Services Division (radio) or Video Services Division (television), Mass Media Bureau. Such requests must contain information as to when and what steps were taken to repair or replace the defective equipment and a brief description of the alternative procedures being used while the equipment is out of service.

24. A new informational Section 73.3617 is added as follows:

§ 73.3617 Broadcast Information Available on the Internet.

The Mass Media Bureau and each of its Divisions provide information on the Internet regarding broadcast rules and policies, pending and completed rulemakings, and pending applications. These sites also include copies of public notices and texts of recent decisions. The Mass Media Bureau Internet address is <http://www.fcc.gov/mmb/>; the Audio Services Division address is <http://www.fcc.gov/mmb/asd/>; the Video Services Division address is <http://www.fcc.gov/mmb/vsd/>; the Policy and Rules Division address is <http://www.fcc.gov/mmb/prd/>; and the Enforcement Division address is <http://www.fcc.gov/mmb/enf/>.

47 CFR Part 74 is revised as follows:

Part 74 - Experimental Radio, Auxiliary, Special Broadcast and Other Program Distributional Services

25. The authority citation for Part 74 continues to read as follows:

Authority: 47 U.S.C. § § 154, 303

26. A reference to a new rule section, **Section 74.1290, Broadcast Information Available on the Internet**, is added to the listing of rule sections by section number, at the beginning of Part 74.

27. A reference to **Section 74.1290, Broadcast Information Available on the Internet**, is added to the Alphabetical Index at the end of Part 74, in alphabetical order as follows:

* * * * *

Information on the Internet, FM translator and booster stations.....74.1290

* * * * *

28. Section 74.734 paragraph (a)(4) is amended to read as follows:

§ 74.734 Attended and unattended operation.

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(a) * * *

(4) A letter notification must be filed with the FCC in Washington, DC, Attention: Video Services Division, Mass Media Bureau, providing the name, address, and telephone number of a person or persons who may be called to secure suspension of operation of the transmitter promptly should such action be deemed necessary by the FCC. Such information shall be kept current by the licensee.

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29. Section 74.751 paragraph (c) is amended to read as follows:

§ 74.751 Modification of transmission systems.

* * * * *

(c) Other equipment changes not specifically referred to in paragraphs (a) and (b) may be made at the discretion of the licensee, provided that the FCC in Washington, DC, Attention: Video Services Division, Mass Media Bureau, is notified in writing upon the completion of such changes.

* * * * *

30. Section 74.763 paragraph (b) is amended to read as follows:

§ 74.763 Time of operation.

* * * * *

(b) In the event that causes beyond the control of the low power TV or TV translator station licensee make it impossible to continue operating, the licensee may discontinue operation for a period of not more than 30 days without further authority from the FCC. Notification must be sent to the FCC in Washington, DC, Attention: Video Services Division, Mass Media Bureau, not later than the 10th day of discontinued operation. During such period, the licensee shall continue to adhere to the requirements in the station license pertaining to the lighting of antenna structures. In the event normal operation is restored prior to the expiration of the 30 day period, the FCC in Washington, DC, Attention: Video Services Division, Mass Media Bureau, shall be notified in writing of the date normal operations resumed. If causes beyond the control of the licensee make it impossible to comply within

the allowed period, a request for Special Temporary Authority (see §73.1635 of this chapter) shall be made to the FCC no later than the 30th day for such additional time as may be deemed necessary.

* * * * *

31. Section 74.784 paragraph (b) is amended to read as follows:

§ 74.784 Rebroadcasts.

* * * * *

(b) The licensee of a low power TV or TV translator station shall not rebroadcast the programs of any other TV broadcast station or other station authorized under the provisions of this Subpart without obtaining prior consent of the station whose signals or programs are proposed to be retransmitted. The FCC, Attention: Video Services Division, Mass Media Bureau, shall be notified of the call letters of each station rebroadcast, and the licensee of the low power TV or TV broadcast translator station shall certify it has obtained written consent from the licensee of the station whose programs are being retransmitted.

* * * * *

32. Section 74.1231 paragraph (b) is amended to read as follows:

§ 74.1231 Purpose and permissible service.

* * * * *

(b) An FM translator may be used for the purpose of retransmitting the signals of a primary FM radio broadcast station or another translator station the signal of which is received directly through space, converted, and suitably amplified. However, an FM translator providing fill-in service may use any terrestrial facilities to receive the signal that is being rebroadcast. An FM booster station or a noncommercial educational FM translator station that is operating on a reserved channel (Channels 201 -- 220) and is owned and operated by the licensee of the primary noncommercial educational station it rebroadcasts may use alternative signal delivery means, including, but not limited to, satellite and terrestrial microwave facilities. *Provided*, however, that an applicant for a noncommercial educational translator operating on a reserved channel (Channel 201 -- 220) and owned and operated by the licensee of the primary noncommercial educational FM station it rebroadcasts complies with either paragraph (b)(1) or (b)(2) of this section:

(1) * * *

* * * * *

33. Section 74.1234 paragraph (a)(4) is amended to read as follows:

§ 74.1234 Unattended operation.

* * * * *

(a) * * *

(4) The FCC in Washington, DC, Attention: Audio Services Division, Mass Media Bureau, shall be notified by letter with the name, address, and telephone number of a person or persons who may be contacted to secure suspension of operation of the translator promptly should such action be deemed necessary by the Commission. Such information shall be kept current by the licensee.

* * * * *

34. Section 74.1235, paragraphs (d)(1), (d)(2), and d(3) are added to read as follows, and sections (c)(1) and (c)(2) are removed:

§ 74.1235 Power limitations and antenna systems.

* * * * *

(c) The effective radiated power of FM booster stations shall be limited such that the predicted service contour of the booster station, computed in accordance with §73.313 paragraphs (a) through (d) of this chapter, may not extend beyond the corresponding service contour of the primary FM station that the booster rebroadcasts. In no event shall the ERP of the booster station exceed 20% of the maximum allowable ERP for the primary station's class.

(d) * * *

(1) Translator stations located within 125 kilometers of the Mexican border may operate with an ERP up to 50 watts (0.050 kW) ERP. A booster station may not produce a 34 dBu interfering contour in excess of 32 km from the transmitter site in the direction of the Mexican border, nor may the 60 dBu service contour of the booster station exceed 8.7 km from the transmitter site in the direction of the Mexican border.

(2) Translator stations located between 125 kilometers and 320 kilometers from the Mexican border may operate with an ERP in excess of 50 watts, up to the maximum permitted ERP of 250 watts per § 74.1235(b)(2). However, in no event shall the location of the 60 dBu contour lie within 116.3 km of the Mexican border.

(3) Applications for translator or booster stations within 320 km of the Canadian border may employ an ERP up to a maximum of 250 watts, as specified in §74.1235(a) and (b). The distance to the 34 dBu interfering contour may not exceed 60 km in any direction.

35. Section 74.1251 paragraph (b)(6) is amended to read as follows, and the reference at the end of the rule section is amended to correct a date.

§ 74.1251 Technical and equipment modifications.

* * * * *

(b) * * *

(6) Any change in the output frequency of a translator.

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[35 FR 15388, Oct. 2, 1970, as amended at 45 FR 26068, Apr. 17, 1980; 47 FR 24580, June 7, 1982; 50 FR 3525, Jan 25, 1985; 50 FR 23710, June 5, 1985; 55 FR 50968, Dec. 10, 1990; 61 FR 4368, Feb. 6, 1996]

36. A new informational Section 74.1290 is added as follows:

§ 74.1290 FM Translator and Booster Station Information Available on the Internet.

The Mass Media Bureau's Audio Services Division provides information on the Internet regarding FM translator and booster stations, rules, and policies at <http://www.fcc.gov/mmb/asd/>.

-- FCC --

Separate Statement of Commissioner Harold W. Furchtgott-Roth

In re: Notice of Proposed Rulemaking and Order

**1998 Biennial Regulatory Review -- Streamlining of Technical Rules in Parts 73 and 74
of the Commission's Rules**

I support adoption of this Notice of Proposed Rulemaking and Order. In my view, any reduction of unnecessary regulatory burdens is beneficial. To that extent, this item is good and I am all for it. This item, however, is not actually part of the FCC's review under Section 11 of the Communications Act (this item addresses only broadcasting issues, not "the operations or activities of any provider of telecommunications service") and, thus, this item should not be mistaken for complete compliance with Section 11.

As I have explained previously, the FCC is not planning to "review all regulations issued under this Act . . . that apply to the operations or activities of any provider of telecommunications service," as required under Subsection 11(a) in 1998 (emphasis added). *See generally 1998 Biennial Regulatory Review -- Review of Computer III and ONA Safeguards and Requirements*, 12 FCC Rcd __ (Jan. 29, 1998). Nor has the Commission issued general principles to guide our "public interest" analysis and decision-making process across the wide range of FCC regulations.

In one important respect, however, the FCC's current efforts are more ambitious and difficult than I believe are required by the Communications Act. Subsection 11(a) -- "Biennial Review" -- requires only that the Commission "determine whether any such regulation is no longer necessary in the public interest" (emphasis added). It is pursuant to Subsection 11(b) -- "Effect of Determination" -- that regulations determined to be no longer in the public interest must be repealed or modified. Thus, the repeal or modification of our rules, which requires notice and comment rule making proceedings, need not be accomplished during the year of the biennial review. Yet the Commission plans to complete roughly thirty such proceedings this year.

I encourage parties to participate in these thirty rule making proceedings. I also suggest that parties submit to the Commission -- either informally or as a formal filing -- specific suggestions of rules we might determine this year to be no longer necessary in the public interest as well as ideas for a thorough review of all our rules pursuant to Subsection 11(a).

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